

ORIGINAL

FILED

June 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 10-0189

IN RE THE MARRIAGE OF

DAVID CARL BRINLEY,

Petitioner and Appellant,

vs.

IDA LOUISE BRINLEY,

Respondent and Appellant.

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STATE OF MONTANA

On Appeal from the Montana Tenth Judicial District, Fergus County
Honorable Wayne E. Phillips

RESPONSE TO OBJECTION TO FILING

COMES NOW Appellant, David Carl Brinley, by and through his attorney of record, Paul D. Sullivan, and asks this court to overrule Appellee's Objection to Filing. Although the original Notice of Appeal was filed by David W. Wright, this was done simply to preserve Mr. Brinley's right to appeal until local appellate counsel could be found. After a diligent search, the undersigned, a member in good standing with the state bar of Montana, was retained and entered his appearance on June 11, 2010.

Furthermore, it should be noted that at the time Mr. Wright filed the notice of appeal, he still held *pro hac vice* standing within Montana. The Notice was filed April 14, 2010 with this Court while the Order rescinding Mr. Wright's *pro hac vice* status was not signed until April 26, 2010. Since that time, Mr Wright has taken no action other than engage in a search for local appellate counsel.

Because the Notice of Appeal was filed by an attorney admitted *pro hac vice*, and the undersigned is a member in good standing of the Montana state bar, it is respectfully requested that Appellee's objection be overruled.

DATED this 15th day of June, 2010.

A handwritten signature in black ink, appearing to read 'P. D. Sullivan', written over a horizontal line.

Paul D. Sullivan

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served upon the following counsel of record this 15th day of June, 2010 via U.S. Mail.

Jeffrey A. Simkovic
BILLINGS LEGAL, PLLC
20 North 29th Street
Billings, MT 59101

DATED this 15th day of June, 2010.

A handwritten signature in black ink, appearing to read 'Paul D. Sullivan', is written over a horizontal line.

Paul D. Sullivan